



17119 U.S.PTO  
103003

19270 U.S.PTO  
10/697536  
103003

## ADLER & ASSOCIATES

P.O. BOX 710509  
HOUSTON, TEXAS 77271-0509

WRITER'S DIRECT DIAL  
(713) 270-5391  
WRITER'S DIRECT FACS.  
(713)-270-5361  
E. MAIL: BADLER1@houston.rr.com

INTELLECTUAL PROPERTY LAW  
(PATENT, BIOTECHNOLOGY, COMPUTER,  
TRADEMARK & TRADE SECRET LAW)

October 28, 2003

Docket No.: D6501CIP

MS PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith for filing is the continuation-in-part patent application which claims benefit of priority under 35 U.S.C 120 of U.S. Serial No. 10/423,437, filed April 25, 2003 in the:

Name of: **Ellet, Mary**  
For: **Adjustable, Protective and Decorative Hearth Guard**

### CLAIMS AS FILED

Fee for:	Small entity	Amount
Basic fee	<b>\$ 385</b>	<b>\$ 385</b>
Each independent claim in excess of 3 (0)	<b>\$ 43</b>	<b>\$ 0</b>
Each claim excess of 20 (5)	<b>\$ 9</b>	<b>\$ 45</b>
Multiple dependent claim		
	<b>TOTAL FILING FEE</b>	<b>\$ 430</b>

X Please charge my Deposit Account No. 07-1185 in the total amount of the filing fee and the assignment recordation fee if any.

X The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 07-1185.

X Any additional fees under 37 CFR 1.16.

Any application processing fees under 37 CFR 1.17.

Small Entity Statement

Applicants hereby claim small entity status under 37 CFR 1.27(d).

Relate Back--35 U.S.C. 120

This continuation-in-part application claims benefit of priority under 35 U.S.C 120 of U.S. Serial No. 10/423,437, filed April 25, 2003.

Assignment

The application is assigned by the inventors to the \_\_\_\_\_.

Sequence Listing

The sequence listing is enclosed, including a paper copy, a copy on disk for the computer readable form and a compliance letter indicating that the sequence listing on the paper copy and the disk are one and the same.

Drawings

Figures 1, 2A-2E, and 3A-3C are enclosed herewith on 8 sheets.

Power of Attorney

is attached.

Address all future communications to:

Benjamin Aaron Adler  
ADLER & ASSOCIATES  
8011 Candle Lane  
Houston TX 77071  
(713) 777-2321  
BADLER1@houston.rr.com

Two photocopies of this sheet are enclosed.

Date: Oct 30, 2003



Benjamin Aaron Adler, Ph.D., J.D.  
Counsel for Applicant  
Registration No. 35,423

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Ellet, Mary § ART UNIT:  
§  
§  
§  
§  
§  
§  
§  
§  
FILED: October 28, 2003 § EXAMINER:  
§  
§  
§  
§  
§  
§  
§  
§  
FOR: Adjustable, Protective and § DOCKET:  
Decorative Hearth Guard § D6501CIP

MS PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF MAILING UNDER 37 CFR 1.10**

Dear Sir:

I hereby certify that the following documents, which are attached, are being deposited, under 37 CFR 1.10, with the United States Postal Service "Express Mail Post Office to Addressee" service as Express Mail No. EV330326551US in an envelope addressed to: MS PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below:

- 1) Continuation-in-part application + 8 sheets of drawings;
- 2) Transmittal Letter;
- 3) One (1) Combined Declaration and Power of Attorney; and
- 4) Return postcard.

Please return the enclosed postcard acknowledging receipt of this correspondence.

Respectfully submitted,



Benjamin Aaron Adler, Ph.D., J.D.  
Counsel for Applicant  
Registration No. 35,423

Date: 08/30/2003  
ADLER & ASSOCIATES  
8011 Candle Lane  
Houston, Texas 77071  
(713) 270-5391  
badler1@houston.rr.com